

THAMES CENTRE POLICE SERVICES BOARD

BY-LAW NO. PSB-001-13

Being a by-law to govern the proceedings of the Thames Centre Police Services Board, the conduct of its members and the calling of meetings.

WHEREAS a Police Services Board may, by By-Law, make rules for the effective management of the police service under Section 10 or Section 31(6) of the Police Services Act, R.S.O. 1990, Chapter P.15 and amendments; and

WHEREAS it is deemed expedient to make and establish rules governing the proceedings of the Thames Centre Police Services Board, the conduct of its Members and the calling of meetings, pursuant to the Police Services Act, R.S.O. 1990, Chapter P.15, as amended.

NOW THEREFORE the Thames Centre Police Services Board enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

- (a) "Act" means the Police Services Act, R.S.O. 1990, Chapter P.15, as amended from time to time;
- (b) "Acting Chair" means a member required to act from time to time in the place and stead of the Chair, pursuant to Section 6 of this by-law;
- (c) "Board" means the Thames Centre Police Services Board and shall be composed of such members appointed under Part III of the Act,
- (d) "Chair" means the Chair of the Board;
- (e) "Committee" means a Standing or ad hoc committee and any other similar entity composed of individuals of the Board pursuant to the Act;
- (f) "Days" means calendar days exclusive of Saturday, Sundays and Statutory holidays;
- (g) "Detachment Commander" means an Ontario Provincial Police Detachment Commander reporting to the Thames Centre Police Services Board;
- (h) "Inspector" means an Ontario Provincial Police Inspector reporting to the Thames Centre Police Services Board,
- (i) "Member" means a member of the Thames Centre Police Services Board;
- (j) "Recorded Vote" means the making of a written record of the name and vote of each Member present who votes on a question and of each member present who does not vote;
- (k) "Secretary/Administrator" means the Secretary/Administrator of the Thames Centre Police Services Board; and
- (l) "Thames Centre Police Services Board" means the board governing police services for the geographic territory defined as the Municipality of Thames Centre.

- 1.2 In this by-law, words importing the singular number include the plural and vice-versa, and words importing the masculine gender include the feminine gender.

2. APPLICATION

- 2.1 The rules or procedures contained in this by-law shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board, and with necessary modifications, in a committee of the Board;
- 2.2 Except as provided elsewhere in this by-law, the Board may temporarily suspend one or more of the rules contained in this paragraph by a vote of the majority of the Members present:
- Rules with respect to a change in agenda order of proceedings and content;
 - Rules respecting notice of delegation status;
 - Rules with respect to the increase or decrease of delegation and debate limitations;
- 2.3 The Chair shall decide all points of order or procedure for which rules have not been provided in this by-law.

3. COMPOSITION OF THE BOARD

- 3.1 In accordance with Section 27(5) of the Act, the Board shall consist of five (5) members, composed of:
- (a) The Mayor as appointed by resolution from the Council of the Municipality of Thames Centre;
 - (b) one (1) elected representative appointed by resolution from the Council of the Municipality of Thames Centre;
 - (c) one (1) community representative who resides in the Municipality of Thames Centre
 - (d) two (2) persons appointed by the Lieutenant Governor In Council from the Municipality of Thames Centre.

4. SELECTION OF CHAIR AND VICE-CHAIR

- 4.1 In accordance with Section 28(1) and (2) of the Act, the members of the Board shall select, at the first meeting held in each year, from amongst its members, a Chair and Vice-Chair for one year.
- 4.2 The election of Chair and Vice-Chair shall be conducted by the Secretary/Administrator.
- 4.3 Any votes required under this Section, shall be taken as described by the provision of Section 244 and 246 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, which requires that each member present indicate his/her vote openly and that no vote be taken by ballot or any other method of secret voting.

5. DUTIES AND RESPONSIBILITIES OF THE BOARD

- 5.1 The Board shall be responsible for those duties as set out in Section 10 and Section 31(1) of the Act as applicable, and shall at all times discharge those duties in accordance with the Board's Code of Conduct (attached as Appendix A - O.Reg. 421/97.)

6. DUTIES OF THE CHAIR

- 6.1 It shall be the duty of the Chair to:

- (a) report on activities of the Thames Centre Police Services Board and those of its Board;
- (b) act as the sole spokesperson for the major policy decisions of the Board;
- (c) represent and support the Board, declaring its will and implicitly obeying its decision in all things;
- (d) set the agenda for all meetings;
- (e) open the meeting of the Board by taking the Chair and calling the Members to order;
- (f) receive and submit, in the proper manner, all motions presented by the Members;
- (g) put to vote all questions, which are duly moved and to announce the result thereof,
- (h) decline to put to a vote, motions which infringe upon the rules of procedure or which are beyond the jurisdiction of the Board;
- (i) enforce on all occasions the observance of order and decorum among the Members;
- (j) call by name, any Member persisting in breach of the rules and procedure and to order him or her to vacate the room in which the meeting is being held;
- (k) inform the Board on any point of order as deemed necessary;
- (l) adjourn the meeting upon motion duly moved when the business is concluded;
- (m) adjourn the sitting without a question being put or suspend or recess the sitting for a time to be specified by him or her, if considered necessary;
- (n) sign all documents for and on behalf of the Board including but not limited to by-laws, resolutions, orders and agreements which have been approved by the Board;
- (o) perform any and all other duties when directed to do so by motion of the Board.

7. DUTIES OF THE VICE-CHAIR

- 7.1 When the Chair is absent or refuses to act or the Chair is vacant, the Vice-Chair shall act in his or her place and stead and while so acting, shall have the same authority, rights and powers of the Chair.

8. COMMITTEES OF THE BOARD

- 8.1 The Board may at any time appoint by motion one or more Members to a Committee of the Board to inquire into any matter within the jurisdiction of the Board.
- 8.2 The Committee shall report upon its work to the Board at the meeting of the Board next following the date of the Committee meeting.

9. REGULAR MEETINGS OF THE BOARD

- 9.1 The Board shall hold its regular meetings at 13:00 hours on the third Wednesday of every other month at the municipal office of the Municipality of Thames Centre, or at such other place, date or time as may be determined by the Board from time to time.
- 9.2 Notwithstanding Subsection 9.1, the Board shall hold at least four (4) meetings each year in accordance with Section 35(1) of the Police Services Act.
- 9.3 The Chair shall preside at all meetings. In the absence of the Chair, the Vice-Chair or in absence of the Vice-Chair, the next senior member of the Board shall preside at the meeting in accordance with Section 7 of this by-law.
- 9.4 The Chair or in the absence of the Chair, the Vice-Chair as the case may be, may cancel a regular meeting of the Board, where the Chair or Vice-Chair deems such meeting is not warranted.

10. SPECIAL MEETINGS OF THE BOARD

- 10.1 The Chair, or in his or her absence the Vice-Chair, may at any time summon a special meeting of the Board and shall do so whenever requested by a majority of the Members of the Board.
- 10.2 The Secretary/Administrator shall give notice to the Members of the Board of all special meetings of the Board whenever required by competent authority to do so. Such notice shall be by telephone, or other means deemed appropriate by the Secretary/Administrator.
- 10.3 No special meeting of the Board may be held with less than twenty-four (24) hours advance notice to the Members.
- 10.4 Public notification will be deemed complete when posted on the website of the Municipality of Thames Centre twenty-four (24) hours in advance of a meeting called under Subsection 10.1.
- 10.5 Notwithstanding 10.4, a meeting deemed to be In Closed Session will not require notification of the public.
- 10.6 No business may be transacted at a special meeting of the Board other than that specified in the notice or Agenda.

11. CALLING OF THE MEETING TO ORDER

- 11.1 As soon as possible after the hour of the meeting, and where a quorum is present, the Chair shall take the chair and call the meeting to order.
- 11.2 If a quorum for either the regular or special Board meeting is not present within thirty (30) minutes of the time fixed for the commencement of the meeting, the Secretary/Administrator shall indicate that no quorum was present and the meeting shall stand adjourned until the next regular meeting of the Board.

12. QUORUM

- 12.1 A quorum shall be a majority of the Members according to Section 35(2) of the Police Services Act.

13. BOARD AGENDA

- 13.1 The Secretary/Administrator shall cause an agenda to be prepared with the following headings, for the use of Members at the regular meetings of the Board:

- (a) Disclosure Of Pecuniary Interest And General Nature Thereof
- (b) Approval Of Previous Minutes
- (c) Presentations/Delegations
- (c) Reports
- (d) Correspondence – Discussion
- (e) Correspondence - Consent
- (e) Unfinished Business
- (f) New Business
- (h) Closed Session
- (i) By-laws
- (i) Scheduling Of Meetings
- (j) Adjournment

13.2 The Secretary/Administrator shall meet with the Inspector to receive all reports and supporting materials for the agenda seven (7) days prior to the date for the Board Meeting and shall consult with the Chair. An item, which is not included in the agenda, may not be introduced at the meeting, without the consent of a majority of the Members present.

13.3 Every letter, petition and other communication addressed to the Board shall be received by the Secretary/Administrator of the Board who shall:

- (a) where, in the opinion of the Secretary/Administrator, the subject matter of any communication is properly within the jurisdiction of the Board, place it upon the Agenda for the new regular meeting of the Board to be dealt with during such meeting;
- (b) where, in the opinion of the Secretary/Administrator, and confirmed by the Chair, the subject matter of any communication is properly within the jurisdiction of the Police Services, shall refer it to the Inspector for necessary action and a report presented at the next Board meeting if required.

13.4 The Secretary/Administrator shall deliver the agenda for each regular meeting to each Member of the Board not less than seventy-two (72) hours prior to the hour appointed for holding of the meeting.

14. CONFLICT OF INTEREST DISCLOSURE

14.1 The Chair and Members shall be governed by the Municipal Conflict of Interest Act, 1990, as amended, and the agenda shall include a provision for Members to declare a conflict or conflicts of interest or a pecuniary interest in a matter.

14.2 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Board at which the matter is the subject of consideration, the Member shall:

- (a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

14.3 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.

- 14.4 Where the interest of a Member has not been disclosed by reason of his or her absence from the particular meeting, the Member shall disclose his or her interest and otherwise comply at the first meeting of the Board attended by him or her after the particular meeting.
- 14.5 To fulfill the Board's functions pursuant to "Part V – Complaints" of the Act, Members should not take part in the administration of Part V matters if they have a personal interest or where they may be perceived as having a personal interest or bias. Where there is uncertainty as to whether a conflict may exist, the issue should be raised. The Member shall determine the decision regarding the conflict.
- 14.6 The Secretary/Administrator shall record in reasonable detail, the particulars of any disclosure of conflict of interest, and the particulars shall appear in the minutes of that meeting of the Board.

15. HEARING OF DELEGATIONS

- 15.1 Delegations will only be heard at regular meetings and provided that the person(s) requesting a delegation has provided written notice of their request at least five (5) days before the date of the Board meeting. The request shall also include a list of person(s) who will be appearing before the Board and a copy of the materials that will be presented. Delegations shall be restricted to presentations of ten (10) minutes and shall address their remarks to the stated business. Notwithstanding the foregoing the time allotted for any delegation may be extended an additional five (5) minutes at the discretion of the Chair.
- 15.2 Upon receipt of the written notice requesting a delegation, the Secretary/Administrator shall list the delegation on the next appropriate meeting agenda.
- 15.3 Upon the completion of a presentation to the Board by a delegation, any discourse between Members of the Board and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members of the Board shall not enter into debate with the delegation respecting the presentation.
- 15.4 No delegation shall:
 - (a) speak disrespectfully of any person;
 - (b) use offensive words or unparliamentary language;
 - (c) speak on any subject other than the subject for which they have received approval to address the Board; or
 - (d) disobey the rules of procedure or a decision of the Chair.
- 15.5 The Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this by-law and, where the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw.

16. CONDUCT OF MEMBERS

- 16.1 No member shall:
 - (a) use offensive words or unparliamentary language in meetings of the Board or against any Member;
 - (b) speak on any subject other than the subject in debate;
 - (c) criticize any decision of the Board except for the purpose of moving that the question be reconsidered;

- (d) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
 - (e) disobey the rules as set out in this by-law or a decision of the Chair, on questions of order or procedure as set out in this by-law or resolution of the Board, or upon the interpretation of the rules of the Board.
- 16.2 If a Member persists in disobedience after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed: "That such Member be ordered to leave his or her seat for the duration of the meeting of the Board". If a Member who has been ordered to leave his or her seat apologizes to the Chair and the other Members, he or she may be permitted to retake his or her seat by vote of the Members.

17. RULES OF DEBATE

- 17.1 Every Member, before speaking to a question or motion shall first receive recognition from the Chair and then the Member shall address the Chair.
- 17.2 When a Member wishes to speak to any question, motion or item, they shall in an orderly fashion attempt to obtain the Chair's attention to indicate that such Member wishes to speak, and the Chair shall keep a list of those Members who have so indicated a desire to speak. The Chair shall then recognize the Members who wish to speak in the order in which their intentions have come to the Chair's attention and appear on the list.
- 17.3 When two or more Members indicate their intention to speak, the Chair shall recognize the Member who, in his or her opinion, first indicated their intention to speak, and that Member may speak to the question or motion first.
- 17.4 A Member may require the question or motion under discussion to be read at any time during the debate, but so as not to interrupt a Member who is speaking.
- 17.5 No Member shall speak more than twice to the same question or motion without leave of the Chair, except to explain a part of his or her speech, which the Member feels may have been misunderstood, but in no instance shall the Member be permitted to introduce any new matter.
- 17.6 Notwithstanding Subsection 17.6, a reply may be made by the Member who has presented a motion to the Board, following the conclusion of the speeches of the other Members.
- 17.7 After a question is put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 17.8 If a Member considers that a ruling by the Chair is not in order, an appeal may be made. When challenged, the Chair may give a brief explanation of the ruling and ask the Members "Is the ruling of the Chair upheld?" In the event of a tie vote, the ruling is upheld. The decision of the Board under this Section is final.

18. MOTIONS

- 18.1 All motions, except a motion to adjourn, shall be duly moved and seconded before being discussed or being put to a vote.
- 18.2 The Board Chair shall repeat a motion before a vote is taken if required to do so by a Member.

- 18.3 After a motion has been moved, it may be withdrawn by the mover at any time before a vote is taken.
- 18.4 A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions:
- (a) to adjourn;
 - (b) to amend;
 - (c) to refer;
 - (d) to suspend the rules of procedure;
 - (e) to table the question;
 - (f) to vote on the question.
- 18.5 A motion to adjourn the meeting may be made at any time except;
- (a) when a Member is speaking or during the taking of a vote;
 - (b) when the question has been called;
 - (c) when a Member has already indicated to the Chair that he or she desires to speak on the question;
- and, when resolved in the negative, cannot be made again until the Board has conducted further proceedings.
- 18.6 A motion to amend:
- (a) shall be relevant to the question to be decided;
 - (b) shall not be received if it in essence constitutes a rejection of the main question;
- and only one motion to amend such amendment shall be permitted, and any further amendment shall be made to the main question.
- 18.7 A motion to refer the question shall include:
- (a) the name of the Committee, or other body or official to whom the question is to be referred; and
 - (b) the terms upon which the question is to be referred;
- and any debate will only be permitted with respect to the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be allowed until after its disposition.
- 18.8 After any question, except one of indefinite deferment has been decided by the Board, any Member who was present and who voted in the majority may, at a subsequent meeting of the Board, move for the reconsideration thereof, provided due notice of such intention is given as required by this by-law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.
- 18.9 No question shall be reconsidered more than once at a meeting of the Board.

19. VOTING ON MOTIONS

- 19.1 A motion shall be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the questions.
- 19.2 When the Chair is satisfied that a question contains distinct proposals, he or she may divide the question or upon the request of a Member, shall divide the question, and the vote upon each proposal shall be taken separately.

- 19.3 Every Member present at a meeting of the Board when a question is put shall vote thereon unless prohibited by statute, in which case the Secretary/Administrator shall record the name of the Member and the reason that he or she is prohibited from voting.
- 19.4 If a Member present does not vote when a question is put, he or she shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.
- 19.5 When a recorded vote is permitted and required, except during the In Closed Session portion of the meeting, the Secretary shall conduct the vote.
- 19.6 The Secretary/Administrator will advise the Chair of the count of the vote, and the Chair will announce the results.
- 19.7 Where on any question on which there is a tie vote, the motion shall be deemed to have been lost.

20. PUBLIC AND CLOSED SESSION MEETINGS

- 20.1 All meetings of the Board shall be open to the public subject to Subsection 20.2.
- 20.2 The following subject matters may be discussed in a closed meeting of the Board, unless prohibited by law:
 - (a) intimate financial and personal matters, where a named or identifiable employee or prospective employee is involved, or where employee relations or reputations could be damaged, unless the employee or employees involved have requested that the matter be discussed in a meeting open to the public and the majority of the Board concurs;
 - (b) labour relations or employee negotiations matters arising out of the administration of collective agreements;
 - (c) a proposed or pending acquisition of land for Board purposes;
 - (d) litigation or potential litigation or matters in which public discussion could prejudice the Board's legal position or be detrimental to the Board in proceedings before any Court or Administrative Tribunals;
 - (e) consideration of promotions;
 - (f) matters that are specifically restricted by legislation regarding the protection of privacy;
 - (g) matters relating to the consideration of a request under the Freedom of Information and Protection of Privacy Act;
 - (h) matters involving public security, the revelation of which would endanger the security of the Board property, or the operations of the policing services.
- 20.3 No person other than Board Members, Secretary/Administrator, Inspector, and other persons invited by the Chair, shall attend closed meetings of the Board, and persons other than the Board Members shall vacate the meetings if requested to do so by the Chair.

21. AVAILABILITY OF INFORMATION

- 21.1 Information relating to matters described in Subsection 20.2 of this by-law, shall be marked "Confidential".

- 21.2 Immediately following the distribution of the agenda information to all Members of the Board, the public agenda materials may be made available to the media and to any other member of the public requesting such information, provided the disclosure of such information do not relate to matters described in Subsection 20.2 herein. Such materials shall be made available at the Board office no earlier than the Monday preceding the day upon which the meeting is to be held.

22. BY-LAWS

- 22.1 Every by-law shall be introduced upon written motion by a Member, and any number of by-laws may be introduced together in one motion, but the Chair may, at the request of a Member, deal separately with any by-law.
- 22.2 Every by-law when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the exception of the number and the date of the by-law.
- 22.3 Every by-law which has been passed by the Board shall be numbered, dated and signed by the Chair and Secretary/Administrator, and shall be filed by the Secretary/Administrator.

23. GENERAL

- 23.1 The procedures for the investigation of complaints against the Thames Centre Police Services Board shall be in accordance with By-Law No. PSB-001-13 and the Police Services Act.
- 23.2 The Board shall enter into and adhere to a reporting protocol with the Municipalities, in accordance with Section 32, O.Reg. 3/99, and such Protocol shall be attached to, and form part of this by-law as Appendix B.

24. ADMINISTRATION

- 24.1 This by-law shall come into force upon the day it is passed.

25. REPEAL

- 25.1 That By-law No. PS-001-11 passed on the 16th day of February, 2011, is hereby repealed in its entirety.

25. EFFECTIVE DATE

This by-law is hereby enacted by the Thames Centre Police Services Board on this 20th day of February, 2013, and shall take effect on this date.

Chair

Secretary/Administrator

Appendix "A"

MEMBERS OF POLICE SERVICES BOARDS - CODE OF CONDUCT

0. Reg. 421/97

1. Board members shall attend and actively participate in all board meetings.
2. Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.
3. Board members shall undergo any training that may be provided or required for them by the Solicitor General.
4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
6. A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion.
7. Board members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office.
8. Board members shall uphold the letter and spirit of the Code of Conduct as set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Charter of Rights and Freedoms* (Canada).
10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
11. (1) Board members shall not use their office to obtain employment with the board or the police force for themselves or their family members.

(2) For the purpose of subsection (1), "family member" means the parent, spouse, or child of the person, as those terms are defined in section I of the *Municipal Conflict of Interest Act*.
12. A board member, who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board.
13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force.
14. A board member whose conduct or performance is being investigated or inquired into by the Commission under s. 25 of the Act shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry.
15. If the board determines that a board member has breached the Code of Conduct set out in this Regulation, the board shall record that determination in its minutes and may,

- (a) require the member to appear before the board and be reprimanded;
- (b) request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or,
- (c) request that the Commission conduct an investigation into the member's conduct under Section 25 of the Act.

Appendix "B"

POLICE SERVICES BOARD - REPORTING PROTOCOL

Reference O.Reg. 3/99

1. The Thames Centre Police Services Board shall report to the Municipality of Thames Centre at regularly scheduled intervals, and provide such information not protected by the terms of the Police Services Act, Sections 35 (4)(a)(b), and the Municipal Freedom of Information and Protection of Privacy Act, as requested by the Council and deemed appropriate by the board.
2. The Business Plan of the Thames Centre Police Services Board will be provided to the Council of the Municipality of Thames Centre by November 1st, will be renewed every three years thereafter, and submitted to the Municipality of Thames Centre by November 1st in each year of renewal.
3. The Annual Report of the Thames Centre Police Services Board will be provided to the Council of the Municipality of Thames Centre by February 1st of the year following the year of activity.
4. Any Business Plan produced in accordance with Article 2, will be made available for inspection by the public in the Office of the Secretary and other locations as the board may direct from time to time.
5. The current Annual Report of the Police Services Board will be made available for inspection by the public in the Office of the Secretary and other locations as may be determined by the board from time to time.

Appendix "C"

**PROTOCOL FOR THE PARTICIPATION IN THE SELECTION
OF THE DETACHMENT COMMANDER**

BETWEEN

THE THAMES CENTRE POLICE SERVICES BOARD

AND

THE ONTARIO PROVINCIAL POLICE REGIONAL COMMANDER

WHEREAS the Thames Centre (hereinafter referred to as the "Municipality") is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs; and

WHEREAS the Municipality has entered into a contract with the Ministry of Public Safety and Security, pursuant to Section 10(1) of the Police Services Act, for the provision of police services for the municipalities by the Ontario Provincial Police; and

WHEREAS the Municipality is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board; and

WHEREAS the Police Services Board is required, pursuant to Section 10(9)(a) of the Police Services Act, to participate in the selection of the Detachment Commander.

NOW THEREFORE the Parties hereby agree that:

1. The Ontario Provincial Police Regional Commander shall ensure that the Thames Centre Police Services Board is advised, at the earliest opportunity, of the need to select a new Detachment Commander;
2. The Thames Centre Police Services Board shall participate in the selection of the Detachment Commander by providing one member of the Board to sit on a review committee; or
3. In the event that two (2) or more municipalities receive policing services under Section 10 from the same Detachment the Thames Centre Police Services Board shall work with all other involved Boards to identify two (2) joint Board members to represent the interest of all boards to participate in the selection review committee.

Appendix "D"

**PROTOCOL FOR THE MONITORING OF THE PERFORMANCE
OF THE DETACHMENT COMMANDER**

BETWEEN

THE THAMES CENTRE POLICE SERVICES BOARD

AND

THE ONTARIO PROVINCIAL POLICE REGIONAL COMMANDER

WHEREAS the Municipality of Thames Centre (hereinafter referred to as the "Municipality") is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs; and

WHEREAS the Municipality has entered into a contract with the Ministry of Public Safety and Security, pursuant to Section 10(1) of the Police Services Act, for the provision of police services for the municipalities by the Ontario Provincial Police; and

WHEREAS the Municipality is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board; and

WHEREAS the Police Services Board is required, pursuant to Section 10(9)(d) of the Police Services Act, to monitor the performance of the Detachment Commander.

NOW THEREFORE the Parties hereby agree that:

1. The Thames Centre Police Services Board shall provide an annual report on the performance of the Detachment Commander to the Ontario Provincial Police Regional Commander by November of each year.
2. The report shall indicate the Detachment Commander's performance as it directly relates to the responsibilities of the Board;
3. The Board shall include specific examples of unsatisfactory performance.

ANNUAL PERFORMANCE REPORT

In accordance with Board responsibilities as per Section 10(9) of the Police Services Act the Board shall:

1. Generally determine objectives and priorities for police services, after consultation with the Detachment Commander or designate.

The Detachment Commander provides the PSB with the necessary information to enable the PSB to determine objectives and priorities for police services. (PSA, sec. 10(9)(b))

☐ Yes ☐ No

Comments: _____

2. Establish, after consultation with the Detachment Commander or designate any local policies with respect to police services.

The Detachment Commander provides the Board with the necessary information and consultation to enable the PSB to establish local policies with respect to police services. (PSA, sec. 10(9)(c))

☐ Yes ☐ No

Comments: _____

3. Receive regular reports from the Detachment Commander or designate, on disclosures and decisions made under Section 49 (secondary activities).

The PSB receives regular reports from the Detachment Commander or his or her designate on disclosures and decisions made regarding secondary activities. (PSA, sec. 10(9)(e))

☐ Yes ☐ No

Comments: _____

4. Review the Detachment Commander's administration of the complaints system under Part V and receive regular reports from the Detachment Commander or designate on his or her administration of the complaints system.

The PSB has received regular reports from the Detachment Commander or his or her designate on his or her administration of the complaints system. (PSA, sec. 10(9)(f))

☐ Yes ☐ No

Comments: _____

5. Under Section 4(1) of the Police Services Act each municipality is responsible for the provision of adequate and effective police services in accordance with its needs.

The Detachment Commander provides sufficient information to allow the PSB to monitor the delivery of police services to ensure provision of adequate and effective police services in accordance with the Municipality's needs. (PSA, sec. 4)

☐ Yes ☐ No

Comments: _____

Appendix "E"

**PROTOCOL FOR THE REVIEW OF THE DETACHMENT COMMANDER'S
ADMINISTRATION OF THE COMPLAINTS SYSTEM UNDER PART V
OF THE POLICE SERVICES ACT**

BETWEEN

THE THAMES CENTRE POLICE SERVICES BOARD

AND

THE ONTARIO PROVINCIAL POLICE REGIONAL COMMANDER

WHEREAS the Municipality of Thames Centre (hereinafter referred to as the "Municipality") is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs; and

WHEREAS the Municipality has entered into a contract with the Ministry of Public Safety and Security, pursuant to Section 10(1) of the Police Services Act, for the provision of police services for the Municipalities by the Ontario Provincial Police; and

WHEREAS the Municipality is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board; and

WHEREAS the Police Services Board is required, pursuant to Section 10(9)(f) of the Police Services Act, to review the Detachment Commander's administration of the complaints system under Part V of the Police Services Act; and

WHEREAS the Thames Centre Police Services Board has a responsibility to ensure that complaints are properly administered; and

WHEREAS the Thames Centre Police Services Board acknowledges that the complaints system under Part V of the Police Services Act is administered by the Professional Standards Bureau of the Ontario Provincial Police; and

WHEREAS the Thames Centre Police Services Board acknowledges that the Detachment Commander is responsible under Section 62 of the Police Services Act for administering complaints made against local polices established under Section 10(9)(c) of the Police Services Act.

NOW THEREFORE the Parties hereby agree that:

1. The Ontario Provincial Police Detachment Commander shall provide the Thames Centre Police Services Board with annual statistical reports on complaint administration in November of each year;
2. The report shall be restricted to complaints that occur within or are a result of activity within the Municipality of Thames Centre;
3. The report shall include:
 - Whether the complaint was from a member of the public or generated internally;
 - The nature of the alleged misconduct or service complaint;
 - Whether the complaint is under investigation or complete;
 - Whether the complaint is substantiated; and
 - Any Criminal or Police Services Act proceedings as a result of a complaint.

Appendix "F"

**PROTOCOL FOR THE REPORTING OF DISCLOSURES AND DECISIONS MADE
UNDER SECTION 49 OF THE POLICE SERVICES ACT (SECONDARY ACTIVITIES)**

BETWEEN

THE THAMES CENTRE POLICE SERVICES BOARD

AND

THE ONTARIO PROVINCIAL POLICE REGIONAL COMMANDER

WHEREAS the Municipality of Thames Centre (hereinafter referred to as the "Municipality") is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs; and

WHEREAS the Municipality has entered into a contract with the Ministry of Public Safety and Security, pursuant to Section 10(1) of the Police Services Act, for the provision of police services for the municipalities by the Ontario Provincial Police; and

WHEREAS the Municipality are required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board; and

WHEREAS the Detachment Commander is required to provide to the Police Services Board regular reports on disclosures and decisions made under Section 49 of the Police Services Act;

NOW THEREFORE the Parties hereby agree that:

1. The Ontario Provincial Police Detachment Commander shall provide the Thames Centre Police Services Board with an annual report in November of each year on disclosures and decisions under Section 49 of the Polices Services Act;
2. The report shall be restricted to disclosures and decisions for those officers under the command of the Detachment Commander who are assigned full-time or regular policing responsibilities within the Municipality.

Appendix "G"

PROTOCOL FOR DISPOSAL OF PROPERTY

WHEREAS the Police Services Act R.S.O. 1990, c. P.15, as amended, sets out specific responsibilities related to the disposal of property in the possession of police; and

WHEREAS police services for the Thames Centre Police Services Board is provided by the Ontario Provincial Police, through a Contract Detachment; and

WHEREAS the Thames Centre Police Services Board deems it necessary and expedient to adopt rules governing the disposal of property by the Contract Detachment;

NOW THEREFORE the Thames Centre Police Services Board enacts as follows:

1.0 DEFINITIONS:

- 1.1 "authorized person" means the lawful owner of property or the owner's agent, or a person or entity subsequently deemed entitled to such property;
- 1.2 "wreck" means a vessel or aircraft or any part of cargo thereof, wrecked, stranded or in distress within Canadian waters or on or near Canadian waters and brought within the territorial limits of Canada;
- 1.3 "Board" means the Thames Centre Police Services Board;
- 1.4 "Contract Detachment" means the Middlesex OPP Detachment that provides policing services to the Municipality of Thames Centre by way of a contract, on behalf of the Ministry of the Solicitor General.

2.0 SECURITY AND PRESERVATION OF PROPERTY

- 2.1 An employee of the Contract Detachment or of the Board in possession of property shall exercise care and diligence to maintain the security and preservation of the property, and make reasonable efforts to locate the lawful owner.
- 2.2 The Detachment Commander shall maintain a property register, utilizing Form LE135A, Property Report, containing the following information:
 - a) the description, storage location and related occurrence number of all property coming into the detachment's custody;
 - b) if the property is returned to the owner, the owner's name, address and phone number.
- 2.3 Form LE018, Property Tag, shall be completed and affixed to any seized or found property, coming into an employee's possession, and in the case of seized property, no occurrence file title shall be entered on the form.
- 2.4 In accordance with Ontario Government policy, employees of the OPP or their immediate family, either directly or with the assistance of a third party, are not permitted to receive or otherwise obtain property coming into possession of the OPP.
- 2.5 Employees of the Board or their immediate family, either directly or with the assistance of a third party, are not permitted to receive or otherwise obtain property coming into possession of the Board.

3.0 IMMEDIATE DISPOSAL OF PERISHABLE PROPERTY

- 3.1 Where necessary, immediate disposal instructions for perishable property shall be obtained from the Detachment Commander or Bureau Commander or, in a criminal matter, the Crown Attorney.
- 3.2 Found liquor unclaimed after 30 days shall be disposed of in accordance with OPP policy contained in Part 7, Police Orders.

4.0 FOUND PROPERTY FROM WRECK

Where a person in possession of property from a wreck wishes to turn it over to the Contract Detachment, the member responsible for receiving such property, shall ensure that the property is checked on CPIC to ascertain if it is stolen. In the case of a vessel and where the property is not stolen, the property shall be returned to the person with instructions that it be delivered to a Receiver of Wrecks as provided by the Canada Shipping Act.

5.0 NOTIFICATION TO LAWFUL OWNER

Where the lawful owner of found property is known, the owner shall be advised by registered mail (to the last known address) or in person to claim the property as soon as possible, and that the property may be disposed of after:

- a) one (1) month in the case of bicycles and motor vehicles, as defined in the Highway Traffic Act, and,
- b) three (3) months in the case of other property.

5.1 Where a motor vehicle, bicycle or other property has been sold before it has been in the possession of the Contract Detachment for three months and the owner makes a claim before that time, the owner is entitled to receive the proceeds, less any costs associated to the property, (e.g. towing, storage, advertising, etc.)

5.2 Where a claim is received pursuant to Section 5.1, and the money has been forwarded to the Board, a letter outlining the pertinent details shall be forwarded to the Board, by the Detachment Commander, requesting to have the money returned to the owner.

6.0 DISPOSAL OF SEIZED PROPERTY

6.1 Unless otherwise directed by the Court or by Statute, upon completion of all Court proceedings, seized property shall be returned to the lawful owner.

6.2 Where the Crown Attorney directs, property seized as evidence may be returned to the lawful owner prior to the completion of Court proceedings if alternate arrangements (e.g. photographs) are acceptable to the Court.

6.3 In the case of stolen property seized from a pawnbroker, reimbursement of the pawnbroker's investment shall not be made a condition for return of such property to the lawful owner.

6.4 Where property seized by members, in the lawful execution of their duty, is in the possession of the Contract Detachment, the property may be disposed of provided:

- a) all legal proceedings in respect of the property, including appeal periods have been completed;
- b) there is no court order for its disposition; and,
- c) there are no other legal requirements or conditions, implied or otherwise, that it be retained or disposed of.

7.0 DISPOSAL OF RADAR WARNING DEVICE

- 7.1 Where a conviction has been registered in relation to a radar warning device, the device shall be retained until the expiration of any appeal period and then destroyed at the Detachment under the supervision of the Traffic Supervisor or a member designated by the Regional Commander.
- 7.2 The Detachment Commander or designate shall attend whenever a radar-warning device is disposed of on Detachment premises.
- 7.3 Upon destruction of a radar-warning device, the pertinent Form LE135A shall be appropriately noted by the member supervising the destruction.

8.0 RECEIPT FOR RELINQUISHED PROPERTY

- 8.1 Where property is relinquished by the Contract Detachment, the receipt area of Form LE135A describing the property, shall be signed by the authorized person receiving the property.

9.0 RELINQUISHING PROPERTY BY QUIT CLAIM

- 9.1 Where the lawful owner or finder of property in the possession of the Contract Detachment relinquishes claim to such property, such person shall be required to sign the quitclaim area of Form LE135A.

10.0 DISPOSAL OF UNCLAIMED PROPERTY

- 10.1 Where the lawful owner of found or stolen property cannot be determined or, where the owner has been notified in accordance with Subsection 5.1 and has not claimed the property within the specified time period, an employee of the Contract Detachment shall notify the finder by registered mail, approved courier or in person to claim the property within fifteen (15) days or the property may be disposed of.
- 10.2 Where the finder fails to claim the property within the fifteen (15) days, the property may be disposed of by public auction, public sale, donation to a charitable cause, or where there is no apparent value, discarded. Disposal instructions shall be obtained from the Detachment Commander in liaison with the Board.
- 10.3 When property is disposed of by sale, the Harmonized Sales Tax (HST) shall be added to the sale price, and be collected by the employee completing the sale. The member shall ensure that Form FB038, Official Receipt, is completed pursuant to Police Orders, Part 4, and the provincial GST sales registration number R124668666 shall be indicated on the receipt.
- 10.4 When found or stolen money or property comes into the possession of the Contract Detachment, it shall be retained for a period not less than three (3) months. Where the owner cannot reasonably be determined or the owner or the finder relinquishes claim to the money or property, the money or property shall be disposed of as set out in Section 11.0.
- 10.5 Where money is seized by members, in the lawful execution of their duty, and the following conditions apply:
 - a) the Court has not made any order for its disposition;
 - b) all legal proceedings in respect of the money have been completed;
 - c) there is no legal requirement with respect to its disposal;
 - d) the owner has not claimed the money; and

- e) three (3) months have elapsed from the day the money was seized,
the money shall be disposed of as set out in Section 11.0.

11.0 MONEY RECEIVED FROM DISPOSAL OF PROPERTY

- 11.1 The Detachment Commander shall establish a method of distinguishing between property that comes into possession of the Contract Detachment from either the "Contract" Municipality or other municipalities and be guided by the related policy and the following:
 - a) Property or money received from an investigation in a contract area will be deemed to be property of the Board. Property or money received from a provincial area investigation will be deemed to be property of the Ministry of Finance.
- 11.2 The property shall be disposed of by the Board in liaison with the Detachment Commander and they shall consider the following options:
 - a) property shall be sold by public auction or public tender;
 - b) at least ten (10) days notice of the date, time and place of the public auction shall be given by publication in a newspaper in general circulation in the municipality;
 - c) the sale may be adjourned, repeatedly if necessary, until the property is sold;
 - d) the money derived from the sale shall be directed to the Board which may use the proceeds for any purpose that it considers to be in the public interest; and,
 - e) receipt shall be obtained by requiring Form LE135A to be signed by the Chair of the Board or designate;
 - f) upon completion of a sale, Form FB038, Official Receipt, shall be completed by the Member as described in Subsection 10.3.
- 11.3 Where found or stolen money comes into the possession of the Contract Detachment, it shall be retained for a period, of not less than three (3) months. Where the owner cannot reasonably be determined or the owner or the finder relinquishes claim to the money, the money shall be turned over to the Board upon receipt of a signed Form LE135A.
- 11.4 Where seized money comes into the possession of the Contract Detachment as the result of an investigation, and the same conditions apply as set out in Subsection 10.5, the money shall be turned over to the Board upon receipt of a signed Form LE135A.
- 11.5 Where found or stolen money or property is claimed by the finder, provided this policy has been otherwise complied with, the found or stolen money or property shall be turned over to the finder upon receipt of a signed Form LE135A.

Appendix "H"

PROTOCOL FOR POLICE CHECKS FOR VOLUNTEERS

WHEREAS the Municipality of Thames Centre (hereinafter referred to as the "Municipality") is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs; and

WHEREAS the Municipality has entered into a contract with the Ministry of Public Safety and Security, pursuant to Section 10(1) of the Police Services Act, for the provision of police services for the municipalities by the Ontario Provincial Police; and

WHEREAS the Municipality is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board; and

WHEREAS the Thames Centre Police Services Board deems it necessary and expedient to adopt rules governing police records check for volunteers;

NOW THEREFORE the Parties hereby agree that:

1.0 POLICE RECORDS CHECK

A police records check may be completed in accordance with this Protocol:

- to provide a person with a Police Records Search Certificate; and
- for purposes of a pardon application to the National Parole Board.

1.1 Except police records checks relating to volunteer screening for non-employment purposes, a fee shall be charged for each police records check completed.

1.2 Where an applicant, other than a volunteer applicant, requests a Police Records Search Certificate, and a member is satisfied as to the applicant's identity, a police records check, including where applicable maiden name and alias, shall be made.

1.3 Whether the above Canadian Police Information Centre (CPIC) checks result in a negative or positive response, the member shall, upon receipt of the prescribed fee, complete a certificate in accordance with the approved format

2.0 EXISTING WARRANT

Where a CPIC check reveals that a warrant exists for the applicant, the member shall take the appropriate enforcement action before issuing a certificate.

2.1 Positive Identification

Where a CPIC check indicates the applicant has or may have a criminal record, and the subject disputes the record, positive identification is required and, upon receipt of the prescribed fee, a member shall:

- a) fingerprint the applicant, using Form C 216 C – Fingerprint Form (Non-Criminal);
- b) forward Form C 216 C to RCMP Identification Services;
- c) advise the applicant that the RCMP will conduct a search of their files and return the fingerprints either stamped "No Criminal Record", or with the record attached, direct to the applicant; and
- d) advise the applicant that it will be at least fifteen (15) days before they receive the results of the search.

3.0 VOLUNTEER SCREENING CHECKS

Volunteer screening checks may be completed in accordance with this policy to:

- a) provide a Police Records Search Certificate – Volunteer Screening;
- b) for an applicant seeking employment with an organization that provides services to vulnerable adults or children;
- c) protect vulnerable individuals; and
- d) encourage and support volunteerism.

No fee shall be required, except where such check is completed for employment purposes in accordance with this policy.

3.1 Volunteer applicant screening checks shall be performed at detachments in accordance with OPP policy

3.2 Volunteer Applicant Screening Process:

Volunteer applicants will normally attend the police agency in the jurisdiction where they reside to request a volunteer applicant screening check. A detachment/regional commander, notwithstanding, may provide a volunteer applicant screening check, where the volunteer will be providing services within an OPP jurisdiction. Exceptions will be determined on an individual basis at the location providing the service.

3.3 Certificate – Certificates issued pursuant to this policy shall be in accordance with the approved format.

3.4 Search Certificate – Volunteer Screening

- a) Limited Number – A detachment commander may provide volunteer applicant screening checks to individual volunteers where, due to the limited number of volunteers, it would be more reasonable than approving an organization for inclusion in the CPIC Corporate List.
- b) Agencies/Groups – An agency or group may request to be approved to receive volunteer applicant screening checks by applying in writing to the detachment commander, or where applicable the regional commander. This written application must include a description of the agency or group, its services, and the range of activities that the volunteer will be performing.
- c) Terms/Conditions – A detachment or regional commander may provide terms and conditions to an agency from which a request for approval has been received. An organization that agrees to abide by the terms and conditions may be approved by the regional or detachment commander.
- d) Approval – When an organization or agency has been approved by a regional or detachment commander, the OPP Manager of Records and Graphics must be notified. The Manager will ensure that the approved agency is added to the OPP Corporate List, CPIC Information Release Manual in Police Orders.
- e) Screening – Approved agency representatives who will be receiving police record information must complete Form LE220 and be screened themselves prior to receiving such information.

3.5 Employment-related

A volunteer applicant screening check may be provided for employment purposes where the applicant will be employed by an organization that provides services to vulnerable individuals. A fee for release of statements or occurrence information shall be required of the individual or the agency requesting the screening.

3.6 The Middlesex Detachment representative shall collect and submit a completed Form LE220 for each volunteer applicant requiring a volunteer applicant screening check.

4.0 **INFORMATION RELEASE**

Canadian Police Information Centre (CPIC) terminal hard copy shall not be released to an individual.

4.1 Query

- a) The letters "VS" shall be entered in the Remarks category of the CPIC query for each CPIC query made for the purposes of this policy. This designation will provide a means of measuring the number of queries made relating to the Volunteer Applicant Screening Process.
- b) The OPP cannot assume responsibility for any alteration of the material provided to a volunteer applicant prior to the volunteer organization receiving it. The letter provided to the volunteer applicant shall clearly state the name of the organization for which the police records check is provided and the number of pages attached. The results of volunteer applicant screening checks shall be returned to the identified representatives of the organization with a disclaimer that if the person named in the record disputes any or all of the information contained in the volunteer applicant screening, the report should then be considered null and void. Applicant fingerprints or other means may be necessary to determine whether the police record information pertains to the volunteer applicant.
- c) The Youth Criminal Justice Act does not permit a young offender to waive the record protection provided for in the Act by means of a third party consent. A young person must attend personally to receive any applicable information, and this records check information shall only be provided to the young person to whom the young offender record relates.
- d) Where information is released to an approved agency, that agency shall be made aware of the protection of personal information provisions of the Freedom of Information And Protection Of Privacy Act (FIPPA), and that this protection is entirely their responsibility once the police information is released to them. Police records are defined as personal information under this Act. Pardons are issued by the National Parole Board under the authority of the Criminal Records Act. The National Parole Board requires applicants to provide with their pardon application, Form NPB/CNLC 301-B – Local Police Records Check, which is completed by their local police agency as part of the pardon process.

5.0 **WAIVER OF FEES**

Applicable fees for completion of volunteer checks for employment purposes at the specific request of the Municipality of Thames Centre shall be waived.

Appendix "I"

POLICY FOR PAID DUTY ASSIGNMENTS

The Chair of the Thames Centre Police Services Board or designate is delegated the authority by the Board to approve "paid duty" assignments that may be requested by off-duty OPP officers, on an individual basis.